

☐ Individual appearing without attorney  
☒ Attorney for: Howard B. Grobstein, Ch. 7 Trustee

## Debtor(s).

**Location:** Pope's Antiques & Auctions, Inc., 55898 Santa Fe Trail, Yucca Valley, CA 92284

2010 Volkswagen Passat; 2009 Honda Quad; 2006 Yamaha Rhino; 2001 Aljo Travel Trailer

**F 6004-2.NOTICE.SALE**

**Overbid procedure (*if any*):**

N/A. The proposed sale is a public sale and auction.

**If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:**

N/A. The proposed sale is a public sale and auction.

Pope's Antiques & Auctions, Inc.

55898 Santa Fe Trail

Yucca Valley, CA 92284

Auction Date: November 28, 2015

Auction Time: 11:00 AM

**Contact person for potential bidders (*include name, address, telephone, fax and/or email address*):**

Jack Pope

P.O. Box 2167

Yucca Valley, CA 92286

email: jackpope1@aol.com

Tel: (760) 329-1077

Date: 11/06/2015

# **ATTACHMENT A**

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address JEREMY W. FAITH, SBN 190647 MARGULIES FAITH LLP 16030 Ventura Boulevard, Suite 470 Encino, CA 91436 Telephone: (818) 705-2777 Facsimile: (818) 705-3777 Email: Jeremy@MarguliesFaithLaw.com  <input type="checkbox"/> Debtor(s) appearing without an attorney <input checked="" type="checkbox"/> [Proposed] Attorney for Howard B. Grobstein, Ch. 7 Trustee	FOR COURT USE ONLY
<b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - RIVERSIDE DIVISION</b>	
In re:  BRIAN MOTLEY and MAYLYNN MOTLEY,  <div style="text-align: right;">Debtors.</div>	<div>CASE NO.: 6:15-bk-17809-MW CHAPTER: 7</div> <div style="text-align: center;"><b>NOTICE OF MOTION FOR ORDER WITHOUT HEARING PURSUANT TO LBR 9013-1(o)</b></div> <div style="text-align: center;">[No hearing unless requested in writing]</div>

**TO THE U.S. TRUSTEE AND ALL PARTIES IN INTEREST. PLEASE TAKE NOTICE THAT:**

1. Movant(s) Howard B. Grobstein, Chapter 7 Trustee \_\_\_\_\_, has filed a motion entitled Chapter 7 Trustee's Motion for Order: (1) Authorizing Employment of Pope's Antiques & Auctions, Inc.; (2) Authorizing Trustee to Sell All Right, Title and Interest of the Estate in Certain Vehicles Free and Clear of Liens and Interests; (3) Waiving Fed. R. Bankr. P. 6004(H); and (4) Authorizing Abandonment of Unsold Vehicles; Memorandum of Points and Authorities; Declarations in Support Thereof
2. Movant(s) is requesting that the court grant the motion without a hearing, as provided for in LBR 9013-1(o).
3. The motion is based upon the legal and factual grounds set forth in the motion and briefly described in the attached description of relief sought. (*Check appropriate box below*):  
☐ The full motion is attached hereto; or  
☒ The full motion has been filed with the court, and a detailed description of the relief sought is attached hereto.
4. **DEADLINE FOR FILING AND SERVING OPPOSITION PAPERS AND REQUEST FOR A HEARING:** Pursuant to LBR 9013-1(o), any party objecting to the motion may request a hearing on the motion. The deadline for filing and serving a written opposition and request for a hearing is 14 days after the date of service of this notice, plus 3

This form is optional. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

additional days if you were served by mail, electronically, or pursuant to F.R.Civ.P. 5(b)(2)(D), (E), or (F). If you fail to comply with this deadline, the court may treat such failure as a waiver of your right to oppose the motion and may grant the motion without further hearing and notice.

Date: 11/6/2015

Respectfully submitted,

/s/ Jeremy W. Faith

Signature of Movant or attorney for Movant

Jeremy W. Faith

Printed name of Movant or attorney for Movant

## **RELIEF SOUGHT:**

Howard B. Grobstein, the duly appointed and acting Chapter 7 trustee (the "Trustee") of the bankruptcy estate (the "Estate") of Debtors Brian Motley and Maylynn Motley (the "Debtors"), hereby moves for an order: (1) authorizing employment of Pope's Antiques & Auctions, Inc. (the "Auctioneer"); (2) authorizing the Trustee, through the Auctioneer, to sell all right, title and interest of the Estate in certain vehicles free and clear of liens and interests; (3) waiving Fed. R. Bankr. P. 6004(h); and (4) authorizing abandonment of the vehicles pursuant to 11 U.S.C. § 554 if any vehicles cannot be sold.

This Motion is brought pursuant to 11 U.S.C. §§ 105, 327, 328, and 363(b)(1) and F.R.B.P. 2002, 2014, 6004, and 9013, on the grounds that the employment of the Auctioneer and the sale and auction of the Vehicles are in the best interests of the Estate. Additionally, the Trustee seeks.

In support of this Motion, the Trustee relies on these moving papers, the Memorandum of Points and Authorities, the Declarations of Howard B. Grobstein and Jack Pope, the other pleadings and orders already on file in this case, and on such other and further evidence and argument as may be made at the hearing on the Motion.

**WHEREFORE**, the Trustee respectfully requests that this Court enter an order:

1. Approving the Trustee's employment of the Auctioneer on the terms set forth herein;
2. Authorizing the Trustee, through the Auctioneer, to sell and auction the Vehicles for the benefit of the Estate;
3. Authorizing the Trustee to abandon the Vehicles pursuant to 11 U.S.C. § 554, without further order of this Court, if they cannot be sold by the Auctioneer;
4. Waiving the 14-day stay imposed by F.R.B.P. 6004(h); and

5. Granting such other and further relief as is just and appropriate.

DATED: November 3, 2015

**MARGULIES FAITH, LLP**

By: /s/ Jeremy W. Faith  
Jeremy W. Faith  
Attorneys for Howard B.  
Grobstein, Chapter 7 Trustee

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
16030 Ventura Blvd., Suite 470, Encino, CA 91436

A true and correct copy of the foregoing document entitled: **NOTICE OF SALE OF ESTATE PROPERTY** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* 11/06/2015, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On *(date)* \_\_\_\_\_, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

11/06/2015  
Date

Brian Reed  
Printed Name

/s/ Brian Reed  
Signature



**ADDITIONAL SERVICE INFORMATION (if needed)**

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**

**ATTY. FOR CREDITOR: Alaska USA Federal Credit Union: Carol Baxter** enforcement@alaskausa.org

**ATTY. FOR CREDITOR: Quicken Loans, Inc.: Joseph C Delmotte** ecfcacb@aldridgepite.com,

JCD@ecf.inforuptcy.com;jdelmotte@aldridgepite.com

**ATTY. FOR TRUSTEE: Jeremy Faith** Jeremy@MarguliesFaithlaw.com, Helen@MarguliesFaithlaw.com;

Noreen@MarguliesFaithlaw.com;Victoria@MarguliesFaithlaw.com;Brian@MarguliesFaithlaw.com

**TRUSTEE: Howard B Grobstein (TR)** hbgtrustee@gtfas.com, C135@ecfcbis.com

**ATTY. FOR DEBTORS: Paul Y Lee** court@leelawyer.com, cabkrelief.riverside@gmail.com

**OUST: United States Trustee (RS)** ustpreion16.rs.ecf@usdoj.gov

**COURTESY NEF: Robert P Zahradka** ecfcacb@aldridgepite.com, RPZ@ecf.inforuptcy.com;

rzahradka@aldridgepite.com